

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

---

ELIJAH BURKS,

1:20-cv-5979 (NLH)

Petitioner,

MEMORANDUM OPINION & ORDER

v.

UNITED STATES OF AMERICA,

Respondents.

---

**APPEARANCES:**

Elijah Burks  
63232-050  
FCI-Bennettsville  
P.O. Box 52020  
Bennettsville, SC 29512

Petitioner pro se

**HILLMAN, District Judge**

WHEREAS, Petitioner Elijah Burks filed a letter in his amended motion to correct, vacate, or set aside his federal sentence under 28 U.S.C. § 2255 asking the Court to release him on home confinement due to fears of contracting covid-19 while in custody, see Burks v. United States, No. 19-cv-16331 (D.N.J. May 15, 2020) (ECF No. 10); and

WHEREAS, the Court directed the Clerk to create this action under 28 U.S.C. § 2241 because the letter does not argue that Petitioner's conviction or sentence is invalid but instead

argues that Petitioner should be able to serve out the remainder of his sentence at home, see ECF No. 1. A challenge to the execution of a sentence is appropriately considered under § 2241; and

WHEREAS, petitions under § 2241 need to be filed in the district of confinement naming the inmate's immediate custodian as respondent, Rumsfeld v. Padilla, 542 U.S. 426, 434-35 (2004); and

WHEREAS, Petitioner is confined in FCI-Bennettsville, which is located in the District of South Carolina,

THEREFORE, IT IS on this 18th day of May, 2020

ORDERED that the Clerk shall transfer this matter to the United States District Court for the District of South Carolina, 28 U.S.C. § 1404(a); and it is finally

ORDERED that the Clerk shall serve a copy of this Order upon Petitioner by regular mail and close this matter.

At Camden, New Jersey

s/ Noel L. Hillman  
NOEL L. HILLMAN, U.S.D.J.